

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:00-cr-137-FDW

UNITED STATES OF AMERICA,

v

JOSEPH BERNARD TATE

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's *pro se* motion (Doc # 312) for "further reduction" of his sentence pursuant to 18 U.S.C. § 3582(c)(2). Defendant's motion is **DENIED**. As stated in Orders #299 and #311, no reduction was recommended. The sentence in this case was based on the cross-reference to murder guideline (§2A1.1) and not based on the drug amounts involved. Amendment 706 is not applicable and no reduction in sentence is warranted as there is no change in the guideline range.

IT IS SO ORDERED.

Signed: May 10, 2010



Frank D. Whitney
United States District Judge

